

**REMARKS**

In accordance with the foregoing, claims 1-3, 9 and 10 have been amended. No new matter is presented and, accordingly, approval and entry of the foregoing amendments are respectfully requested.

**STATUS OF CLAIMS**

Claims 1-10 are rejected.

Claims 4 and 6-8 have been cancelled.

Claims 1-4, 9 and 10 are pending and under consideration.

**AT PAGE 2: CLAIM OBJECTIONS**

The Action contends that "voice recognizing" in claim 1 is indefinite since used in the claim to mean "recognizing a voice command" while the **"accepted meaning"** is "recognizing the identity of the voice." The Action furthermore suggests that a "more appropriate term would be 'speech recognition', which is the recognition of spoken words, including voice commands."

The objection is respectfully traversed.

The contentions of the Examiner are based on unsubstantiated facts which the Examiner advances as, presumably, common knowledge - - but which Applicants submit constitute error. The Examiner is called upon to provide documentary evidence in the next Office Action, if the objection is to be maintained, in compliance with §2144.03 (and see 37 CFR 1.104(c)(2)). Otherwise, it is submitted that the Examiner's objection should be withdrawn. If the Examiner seeks to continue to rely on personal knowledge to support the contentions, the Examiner is required to provide an Affidavit or Declaration setting forth specific factual statements and explanations to support the objections in accordance with 37 CFR 1.104(d)(2).

Moreover, it is respectfully submitted that the DETAILED DESCRIPTION of the specification leaves no doubt as to the intent of the terminology as set forth at page 1, lines 5-8, in explaining that the present invention relates to a voice interactive system "for transmitting information to a user by using a voice output or a combination of a voice output and another information transmission unit in accordance with the contents of a user's voice input." In the Summary of the invention at page 3, lines 13 et seq., the invention is characterized as including "an acoustic processing part for performing acoustic signal processing with respect to an input voice signal; a voice recognizing part for recognizing contents of a voice contained in the voice signal...; a voice interacting part for transmitting information to a user through a voice output or a

combination of the voice output and another information transmission unit based on the content of the voice....and so forth.

Throughout the specification and, particularly, as set forth in detailed in the "DESCRIPTION OF THE PREFERRED EMBODIMENTS", pages 7 et. seq., the "voice recognizing" functions clearly relate to recognizing commands and performing information processing of many types, far beyond and different from merely "recognizing the identity of the voice" which the Examiner's claim objection asserts.

Accordingly, it is submitted that the objection should be withdrawn, both since lacking documentary evidence in support of the Examiner's position and since the specification and claims, as well, make clear that the claim is not defining merely "recognizing a voice command" as a result of the "voice recognizing function" recited in the claims and explained in the specification.

**PAGE 2: OBJECTION TO CLAIM 3 BECAUSE OF "S/N"**

The claims have been amended to remove and prove a substitute for that expression, consistent with the Examiner's interpretation of same as a "signal to noise ratio for a voice signal...."

**AT PAGE 3, ITEM 2: REJECTION OF CLAIMS 1, 5, 9 AND 10 UNDER 35 U.S.C. §102(b) AS ANTICIPATED BY STORM ("INTELLIGENT BARGE-IN IN CONVERSATIONAL SYSTEMS" ICSLP 2000);**

**AT PAGE 5, ITEM 2: REJECTION OF CLAIMS 2-4 AND 6-8 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) OVER STORM IN VIEW OF STIFELMAN (U.S. PATENT 7,143,039)**

The rejections are respectfully traversed.

It is respectfully submitted that the subject matter of "calculating an environment evaluation value of a position of the user based on the positional information of the user and environmental information on the position, and determining the barge-in function to be non-effective in the case where the environment evaluation value exceeds a predetermined threshold value", as recited as the amended independent claims 1, 9 and 10 herein, is neither disclosed nor suggested by Stifelman.

The Examiner indicates in the current Office Action that "at least one of the one or more feature values is positional information of the user detected from the input signal from the external input, and environment evaluation value of a position of the user is calculated based on

the positional information and environmental information, and the barge-in function is set to be non-effective in the case where the environment evaluation value exceeds a predetermined threshold value" is described in col. 24, lines 32-34 of Stifelman. However, this indication is in error.

Col. 24, lines 32-34 of Stifelman describes that "if the background noise is above a predetermined threshold, then, a noisy environment can be detected". Unlike this, and as defined by the amended independent claims 1, 9 and 10 of the present application, an environmental evaluation value is calculated based on positional information and environmental information, but an environment is not determined based on actual noise, as in Stifelman.

The Examiner further asserts a position contrary to the Applicant's above contention that "an environment is not determined based actual noise as in Stifelman". Particularly, the Examiner asserts at page 7 of the Action, the second full paragraph at lines 6 through 3 from the end of page 7 as follows:

A users location, which can be easily determined through GPS, provides an indication of their location, and thus environment. Many common public areas are very noisy, each with a specific type of common background noise.

Based on that unsubstantiated contention, the Examiner proceeds, in the paragraphs spanning pages 7-8, to rely on the Examiner's contention as to the previously quoted contention as to unsubstantiated facts, which the Examiner advances, as presumably common knowledge, to mount a rejection of the pending claims herein. Applicants submit that this constitutes error and calls upon the Examiner to provide documentary evidence of that contention in the next Office Action, if the rejection is to be maintained, in compliance with §2144.03 (and see also 37 CFR 1.104(c)(2)). If, instead, the Examiner seeks to continue to rely on personal knowledge to support his findings of what is known in the art, the Examiner is required to provide his Affidavit or Declaration setting forth specific factual statements and explanations to support those findings in accordance with 37 CFR 1.104(d)(2).

## **CONCLUSION**

It is respectfully submitted that the foregoing has clearly distinguished the pending claims over the reference and rejection of record. Further, all outstanding objections have been overcome by the foregoing. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: July 17, 2007

By: \_\_\_\_\_

  
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